

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KEVIN ACKERMANN, R.N.,	:	LS0810151 NUR
	:	
RESPONDENT.	:	

Division of Enforcement Case # 05 NUR 063

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Kevin Ackermann, R.N.
5662 N. 27th Street
Milwaukee, WI 53209

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board of Nursing on October 15, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kevin Ackermann (DOB 02/07/1969) is duly licensed as a registered nurse in the state of Wisconsin (license # 30-125324). This license was first granted on February 18, 1997.
2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 5662 N. 27th Street, Milwaukee, Wisconsin, 53209.
3. On or about January 29, 2005, Respondent was working at a nursing home. At approximately 5:20 a.m., a

resident was found on the floor after having vomited undigested food and dark red blood clots. Respondent paged the physician. The physician responded, but no new orders were given. Two hours passed before Respondent's shift ended, and no further action was taken during that time. The resident died at approximately 11:00 a.m. that day.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).
2. The conduct described in paragraph 3 above constitutes a violation of Wisconsin Administrative Code § N 6.03(1), N 7.03(1) and N 7.04(15), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

ORDER

IT IS ORDERED:

1. Kevin Ackermann, R.N., is REPRIMANDED.
2. The license of Kevin Ackermann, R.N., to practice nursing in the State of Wisconsin, and his privilege to practice pursuant to the Multi-State Nursing Compact, is LIMITED as follows:
 - (a) Respondent, at his own expense, shall complete six (6) hours of pre-approved continuing education in assessing critical residents, and six (6) hours of pre-approved continuing education in documentation, within 90 days of the date of this Order. Respondent is responsible for finding an appropriate course and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90 day time frame, taking into account the board's meeting schedule.
3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand Dollars (\$1,000.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

4. In the event Respondent violates the terms of this Order, including but not limited to failing to pay costs as ordered, failing to comply with the ordered continuing education, or failing to comply with any limitations on his license, the Respondent's license (# 30-125324) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
5. This Order is effective on the date of its signing.

Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

4/2/09

Date

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
KEVIN ACKERMANN, R.N.,	:	LS# 0810151 NUR
RESPONDENT.	:	

Division of Enforcement Case # 05 NUR 063

Kevin Ackermann, R.N., personally and by his attorney Michael Hanrahan; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 05 NUR 063). Respondent consents to the resolution of this investigation by stipulation.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Kevin Ackermann, R.N.
5662 N. 27th Street
Milwaukee, WI 53209

Date

Michael J. Hanrahan
Fox, O'Neill & Shannon, S.C.
622 N. Water Street, Suite 500
Milwaukee, WI 53202-4978

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date